



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No. 11658-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 14 April 2024. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

You enlisted in the Marine Corps and began a period of active duty on 5 November 1985. On 4 December 1985, you were evaluated by a medical officer as a result of domestic problems with your 15-year old wife. During the evaluation, you stated to the interviewer that you wanted to be discharged from the Marine Corps and would utilize any means to achieve this goal, including going on a period of unauthorized absence (UA). Ultimately, you were diagnosed with Antisocial Personality Disorder.

On 6 December 1985, you received nonjudicial punishment (NJP) for a period of UA from appointed place of duty. On 12 December 1985, your commanding officer recommended an Uncharacterized (Entry Level Separation) by reason of entry level performance and conduct. On 13 December 1985, you were counseled concerning failure to adapt the Marine Corps environment. You were also identified as having a poor attitude, lack of self-discipline and

motivation. Consequently, you were advised that failure to take corrective action could result in administrative separation.

On 16 December 1985, you were notified of the initiation of administrative separation proceedings by reason of entry level performance and conduct. You decided to waive your procedural rights and the separation authority approved and ordered an Uncharacterized (Entry Level Separation) by reason of entry-level performance and conduct. On 19 December 1985, you were so discharged.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 15 December 1988, after determining your discharge was proper as issued.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to your desire for a discharge upgrade and change to your reason for separation. You contend that: (a) you are 56 years of age and seeking to get into assisting living, (b) your commanding officer told you that you are being medically discharged, (c) the catalyst for the progressive disruptive disorder began during boot camp and was not diagnosed or treated correctly. You also checked the "Other Mental Health" box on your application but chose not to respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your assigned uncharacterized entry-level performance and conduct discharge remains appropriate. The Board noted you were unable and unwilling to complete your basic training and also received NJP during your brief period of service. While you were diagnosed with a personality disorder, Department of Defense regulations excluded personality disorders from the definition of a disability. Thus, the Board determined you were properly processed and discharged for your inability to complete basic training. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Therefore, the Board determined the presumption of regularity applies in your case.

Further, the Board found no error or injustice with your assigned uncharacterized entry-level separation. Service regulations direct the assignment of an uncharacterized entry-level separation when a service member is processed for separation within their first 180 days of active duty. While there are exception to this policy, the Board determined none applied in your case.

As a result, the Board determined that there was no impropriety or inequity in your discharge. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

5/1/2025

